Development (1950) Department

MS Series

G.O. No. 2970

Dated 31-7-50

passed

[Abstract]

Labour - Disputes - Dispute between the employees and the management of Commonwealth Twist Ltd Hosiery Factory Mangalore - Reference to the Industrial Tribunal, Coimbatore for adjudication Ordered.

GOVERNMENT OF MADRAS
Abstract.

...

Labour - Disputes - Dispute between the employees and the management of Commonwealth Trust Hosiery Factory, Mangalore - Reference to the Industrial Tribunal, Coimbatore for adjudication - Ordered.

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by section 10 (1) (c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), His Excellency the Governor of Madras hereby directs that the said industrial dispute be referred for adjudication to the Industrial Tribunal having its place of sitting at Coimbatore.

ANNEXURE.

1. Whether Sri Thomas Noronha and Sri Elias Lobo are entitled to be reinstated with back pay as they are not the junior most in service.
2. What compensation is Sri Maurice Bastion entitled to at the time of retrenchment.

(By order of His Excellency the Governor).

. Viswanatha Ayyar,
SECRETARY TO GOVERNMENT.

To the Industrial Tribunal, Coimbatore.
" Commissioner of Labour.
" District Magistrate, Malabar.
" Accountant General.
" Superintendent, Government Press for publication.
" Government of India, Ministry of Labour, New Delhi..
" Management, Commonwealth Trust Hosiery Factory, Mangalore.
" Secretary, South Kanara Commercial Employees, Union, Mangalore.

Forwarded / By order.

KR.1/8.

Superintendent.

PSS 7.85

3

FOURTH ASSISTANT SECRETARY TO GOVERNMENT
25 APR 1950
DEVELOPMENT DEPARTMENT

18315/50

36284

Office of the Commissioner of Labour,
Chepauk, Madras. Dated 24th April, 1950.

Sri C. G. Reddi,
Commissioner of Labour, Madras.

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub: Labour - Disputes - Dispute between the workers and the management of Commonwealth Trust Hoseiry Factory, Mangalore - Dismissal of 3 clerks - Recommended for adjudication.

A dispute has arisen between the workers represented by the S. Kanara Commercial Employees Union, Mangalore and the management of the Commonwealth Trust Hoseiry Factory, Mangalore over the dismissal of the following three clerks:

1) Sri Thomas Noronha
2) Sri Elias Lobo and
3) Sri Maurice Bastion.

The management contend that the services of the three workmen had to be terminated as a result of reorganizing the office and weeding out superfluous staff. The discharged persons services ranges from 3 years 3 months to 5 years 7 months. In this connection it must be stated that with the exception of Maurice Bastion the management have not followed the principle of retrenching the staff from the bottom who will be the junior most in service.

The Labour Officer Kozhikode who intervened in the matter reports that he had advised the management to observe the principle of retrenching the junior most men and paying the retrenched persons compensation at the rate of half a month's salary for every year of service and that the management had stated that they could not alter the decision they already taken regarding this matter. Since conciliation by the Labour Officer Kozhikode has failed in this case I request that the Government may be pleased to refer the dispute to the Industrial Tribunal, Coimbatore for adjudication on the following issues:

ISSUES FOR REFERENCE:

1) Whether Sri Thomas Noronha and Sri Elias Lobo are entitled to be reinstated with back pay as they are not the junior most in service.

2) What compensation is Sri Maurice Bastion entitled to at the time of retrenchment.

For Commissioner of Labour.

*4/4

To AS

Devt Dept

Please see the C.L's report on page 1 above. For orders whether his recommendation at 'A' on page 1 above may be accepted. A draft order is submitted for approval.

GM 2.5.50.

PS 2.5.50.

Ask the Conc. whether the Union represents the majority of workers of the Hosiery Factory

SB 4.5.50

To AS

A draft memo is submitted for approval

GM 5.5.50.

PS 5.5.50.

CPG 6.5.50

To issue
SM
8.5.50.

30
9/5

Dept Dept

Memo No. 36284 PI/50-1, dt 8-5-50.

Sub:- Labour - Disputes - Dispute between the workers and the management of the Commonwealth Trust Ltd Hosiery Factory, Mangalore - Reference for adjudication.

Ref:- From the C.C. No. A.1.18315/50 dated 24-4-50.

The C.C. is requested to state whether the S. Kanara Commercial Employees Union represents the majority of workers of the Commonwealth Trust Hosiery Factory, Mangalore.

CSP
6/5

I.C.F.

E.R.B. 6.50
N.R. 25-650.

To the C.L. ✓ Profile 10/5

SM
5.5.50.

RG
5-5-50

7 5

A4.18315/50.

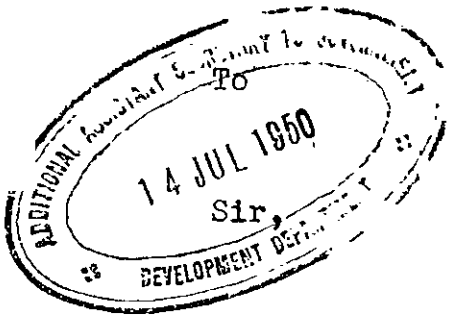
Office of the Commissioner of Labour
Chepauk, Madras, Dated: 10-7-50.

From

Sri C.G.Reddi
Commissioner of Labour,
Madras.

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.



B39:9 PI
14.5.50.

Sir,

Sub: Labour--Disputes--Dispute between the staff and the management of the commonwealth Trust Hoseiry Factory, Mangalore--Reference for adjudica-tion.

p 3 above

Ref: Government Memo. No.36284 PI/50-1 Development Department, dated 8-5-50.

The Inspector of Factories, Mangalore has reported that the total number of commercial employees in the commonwealth Hosiery Factory, Mangalore is 21, out of which 12 continue to be members of the South Kanara Commercial Employees' Association, Mangalore.

GA.12/7

For Commissioner of Labour.

12/7

A4.18315/50 Office of the Commissioner of Labour, Chepauk, Madras, dated, 18th July,50.

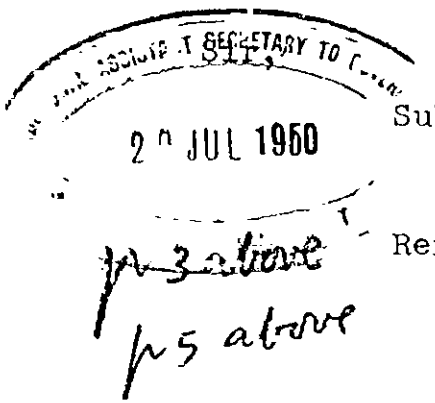
From

Sri C.G. Reddi,
Commissioner of Labour, Madras.

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

66306 PI
20.7.50
1



Sub: LABOUR - Disputes - Dispute between the ~~MC~~ staff and the management of the Commonwealth Trust Hosiery Factory, Mangalore.

Ref: i) Government Memorandum No.36284 PI/50-1 Development, dated, 8--5--50.
ii) My letter to Government No.A4.18315/50 dated 10--7--50.

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The Inspector of Factories, Mangalore, now reports that out of the 21 Commercial Employees in the Commonwealth Trust Hosiery Factory, Mangalore, 18 are on the rolls of the South Kanara Commercial Employees' Association, Mangalore. Of these, only three members have paid their subscription till 31--3--1950 and that these

P.T.O.

10

these three alone should be deemed to be effective members of the Association at present.

In the circumstances, the Association cannot be said to represent the majority of the employees of the Commonwealth Trust Hosiery Factory, Mangalore.

mda/19-7:

For Commissioner of Labour.

19.7.

Draft

Sub:- Labour - Disputes - Dispute between the ~~workers~~ employees and the management of Commonwealth Trust Hosiery Factory, Mangalore - ~~Diss~~Reference to the ~~Indusi~~ Industrial Tribunal, Coimbatore for adjudication- Ordered.

Read:- From the C.L.No A.1.18315/50 dated 24.4.50

G.O.Ms. 2970 dated 31/7/50

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION

Whereas an industrial dispute has arisen between the employees and the management of the Commonwealth Trust Hosiery Factory, Mangalore, in respect of the matters mentioned in the Annexure to this order;

And Whereas in the opinion of His Excellency the the Governor of Madras it is necessary to refer the said ~~id~~ industrial dispute for adjudication;

Now, Therefore, in excercise of the powers conferred by section 10(1)(c) of the Industrial Disputes Act, 1947 ~~(Centr~~ (Central Act XIV of 1947), His excellency the governor of Madras hereby directs that the said industrial dispute be referred for adjudication to the Industrial Tribunal having its place of sitting at Coimbatore.

ANNEXURE

1. Whether ~~th~~ Sri Thomas Noronha and Sri Elias Lobo are entitled to be reinstated with back pay as the are not the junior most in service.

2. what compensation is Sri Maurice Bastion entitled to at the time of retrenchment.

To the Industrial Tribunal, Coimbatore.

To the C.L.
" D.M. ~~Malabar~~ S. Kanara.
" A.G.
" S.G.P for publication
Govt. of India, Ministry of Labour, New Delhi.
" management,
" Commonwealth Trust Hosiery Factory, Mangalore.
" Secretary, South Kanara Commercial Employees union, Mangalore.

26254

Dev.Dept.

11/247

Sub:- Labour - Disputes - Dispute between the workers and the management of the Commonwealth Trust, Hosiery Factory, Mangalore --Reference for adjudication.

Ref:- From the C.L.No.A.4.18315/50 dated 24--4--50
Memo No.36284 PI/50-1 dated 8--5--50
From the C.L.No.A.4.18315/50 dated 10--7--50.

To A.S.

The C. of L. has reported that a dispute has arisen between the workers represented by the South Kanara Employees Union, Mangalore, and the management of the Commonwealth Trust Hosiery Factory, Mangalore, over the dismissal of three clerks. The management contend that the services of the three clerks had to be terminated as a result of reorganising the office and weeding out superfluous staff. But in the case of two of the three clerks the management have not followed the principle of retrenching the staff from the bottom who will be junior most in service. The Labour Officer advised the management to observe the principle of retrenching the junior most men and pay the retrenched persons compensation at the rate of half a month's salary for ~~every~~ each year of service, but the management declined to alter the decision they had already taken. Since conciliation by the Labour Officer has failed, the C. of L. recommends that the dispute may be referred to the Industrial Tribunal Coimbatore for adjudication. The C.L. has also reported that South Kanara commercial Employees Union represents the majority of workers of the Commonwealth Trust, Hosiery Factory, Mangalore.

For orders whether the C.L.'s recommendation ~~at (A) above~~ may be accepted. Subject to orders a draft order is submitted.

PS
19.7.50

24/7/50

SECRETARY TO GOVERNMENT
28 JUL 1950
DEVELOPMENT DEPARTMENT

HM(L.R)

~V/

From the C.L. No. A.4. 18315/50 dated 18.7.50. p 5 c

To AS

Notes and orders on page 1 above

With reference to 'A' on page 1 above, the C. of L ~~subsequently~~ now reports that out of 21 commercial employees in the Commonwealth Trust Hosiery Factory, Ft Mangalore, 18 are on the rolls of the South Kanara Commercial Employees Association, but of these, only 3 members have paid their subscription till 31-3-50 and that these three alone should be deemed to be effective members of the Association at present. The C. of L therefore states that the Association cannot be said to represent the majority of the employees of the Factory. As however 18 out of the ~~the file is resubmitted for orders whether the dispute may be referred for adjudication.~~ 2 members are on the rolls of the association / the draft order may issue

pp 7-8 c

X on p 8 c

SM 28.7.50.

29/7/50

PS 28-7-

29/7/50 V

29.7.50

[issued as G.O. 2970 dated 31.7.50.] p 11 c.